

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Burdette Theodore House,

Civil No. 08-2917 (RHK/JJK)

Plaintiff,

ORDER

v.

Michael Campion, et al.,

Defendants.

The above matter comes before the Court upon the May 22, 2009, Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes. Objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the undersigned's de novo review of the Report and Recommendation, Defendant's Response thereto, and upon all of the files, records, and proceedings herein, **IT IS ORDERED:**

1. Defendant's Objections (designated "Response") (Doc. No. 41) are
OVERRULED;
2. The Report and Recommendation (Doc. No. 40) is **ADOPTED;**
3. Commissioner Michael Campion's Motion to Dismiss (Doc. No. 14) is
GRANTED;
4. The Motion by Defendant Bruce Andershon to Dismiss Complaint (Doc. No. 25) is **GRANTED;** and
5. The Motion by Defendant James M. Dudgeon, Jr. to Dismiss Complaint (Doc. No. 27) is **GRANTED;**

6. The Petition for Order to Show Cause (Request That Defense Motions For Dismissal Be Denied) (Doc. No. 33) is **DENIED**; and

7. This action is **DISMISSED IN ITS ENTIRETY** on the following terms:

a. Claims One, Two, Three, Four, Five, and Six are **DISMISSED WITHOUT PREJUDICE**; and

b. Claims Seven, Eight, and Nine are **DISMISSED WITH PREJUDICE**.

Date: June 25, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge